

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KIMBRA CRISWELL,

Plaintiff,

v.

LYDIA ADAIR MCFADDEN and
CHRISTIANA CARE HEALTH
SERVICES, INC.,

Defendants.

)
)
)
) Civil Action
) No. 05-CV-00321 GMS
)
) JURY TRIAL DEMANDED
)
)
)

Deposition of KIMBRA CRISWELL, taken pursuant to notice at the law offices of White and Williams, LLP, 824 North Market Street, Suite 902, Wilmington, Delaware, beginning at 11:01 a.m., on Friday, July 14, 2006, before Julie H. Parrack, Registered Merit Reporter, Certified Realtime Reporter and Notary Public.

APPEARANCES:

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On behalf of Plaintiff

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1 A. I got some ice from the PACU first, and I sat
2 with it elevated.

3 Q. And then, well, before we get to the Employee
4 Health, you have also provided some photographs,
5 actually not photographs, but copies of photographs.
6 And as I understand it --

7 MS. MASSARO: I really do need color
8 photographs, and I will just put in a request for
9 that.

10 MR. LEVIN: No problem.

11 MS. MASSARO: Thank you.

12 Q. Could you show me on these photographs, I would
13 also like to see your foot, but if you could show me
14 on these photographs where the machine hit your heel.
15 Okay, I'll give you my pen, if you could just mark
16 that for me.

17 A. (The witness complied with counsel's request.)

18 MR. LEVIN: And maybe make an arrow on the
19 border saying --

20 MS. MASSARO: To the more specific area.

21 MR. LEVIN: -- saying "where machine hit
22 heel."

23 Q. And that's a pretty wide range. Can you be any
24 more specific?



1 back, but did you ever talk with her on the phone
2 after this incident?

3 A. No.

4 Q. Anyone else from Christiana Care, did you speak
5 with anyone else from Christiana Care after this
6 incident?

7 A. The nurses that were caring for me in August.

8 Q. Sure.

9 A. The doctors.

10 Q. But anyone else in any type of an official
11 capacity regarding this incident?

12 A. No.

13 Q. These photographs that I showed you earlier and
14 that have been marked as an exhibit, I have copies and
15 I know we'll get the actual photos. Are there any
16 other photographs that you have relating to this
17 incident?

18 A. Yes.

19 Q. What are they of?

20 A. My foot.

21 Q. And when were they taken?

22 A. On different dates throughout a year and a
23 half, almost two years.

24 Q. Beginning immediately after the incident or



1 recently?

2 A. They were beginning in July of '02.

3 Q. Do you have those photographs in your
4 possession? Not today, but in general.

5 A. Yes.

6 Q. And are they color photographs?

7 A. Yes.

8 Q. Approximately how many photographs are there?

9 A. Seventy-five to 100.

10 Q. And --

11 A. I have an album.

12 Q. What are they of? I know they're of your foot,
13 but what exactly?

14 A. Showing the color changes --

15 Q. And are they dated?

16 A. -- and the swelling. Yes.

17 Q. And do they have times?

18 A. No times.

19 Q. Have you provided a copy of those to your
20 attorney?

21 A. Most of them, yeah, he got them.

22 MS. MASSARO: I would like a copy of those
23 as well.

24 MR. LEVIN: Sure, sure.

